

## REMARKS

Applicants submit that the restriction requirement, which was issued on March 5, 2003, is incorrectly directed to claims 1-21, as only claims 27-43 are pending in the present application. To address this issue, Applicants contacted Examiner Sisson on August 13, 2003 to discuss the scope of the restriction requirement. Applicants pointed out that the above-referenced application was filed as a 371 application of PCT/FR00/02439 with 26 claims. The filing also included a Preliminary Amendment, which canceled claims 1-26 and added new claims 27-43, and the "Annex to the International Preliminary Examination Report", which presented a translation of claims 1-21 filed during international examination of the application. In preparing the Preliminary Amendment, Applicants inadvertently overlooked the "Annex to the International Preliminary Examination Report" and based the preliminary amendments on claims 1-26 of the PCT application. Applicants explained that, in any event, it was their understanding that claims 27-43 were the pending to be examined in the present case. Therefore, Applicants requested that the Examiner withdraw the present restriction requirement and issue a revised communication, if necessary, based on pending claims 27-43. The Examiner indicated that he would review the file history of the case and, if necessary, issue a revised restriction requirement. The Examiner further indicated that Applicants did not need to respond to the present restriction requirement, and therefore, no action was taken prior to now.

To date, Applicants have received no further communication from Examiner Sisson. In an effort to determine the status of the case prior to the expiration of the six month statutory response period of the present restriction requirement, Applicants again attempted to contact Examiner Sisson to determine the status of the application. On January 30, 2003, after receiving no response from Examiner Sisson after leaving multiple voice mail messages, an agent of the undersigned, Dr. Todd Armstrong, contacted the Examiner's supervisor, Gary Benzion, who suggested that Applicants respond to the restriction requirement by requesting clarification as to the status of pending claims 27-43, in light of Applicants cancellation of prior claims 1-26. Examiner Benzion indicated that this would be considered a bona fide attempt to respond to the present restriction requirement. Therefore, Applicants respectfully request that the Office clarify the status of pending claims 27-43. Furthermore, Applicants submit that the present restriction requirement should be withdrawn pending clarification of the status of the claims and, if necessary, a revised restriction requirement issued. Applicants also note that during the telephonic interview Examiner Benzion indicated that, pending resolution of the present situation, no fees were due in connection with the above-referenced application at this time. If this understanding was incorrect, Applicants respectfully request that any charges for an extension be applied to Deposit Account No. 03-2095.

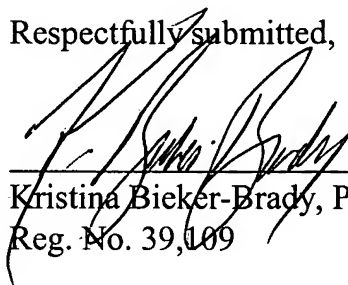
## CONCLUSION

In light of the Preliminary Amendment filed with the application on March 5, 2002, Applicants submit that claims 1-21 are cancelled and claims 27-43 are pending. Applicants respectfully request that, pending clarification of this issue, the Office withdraw the present restriction requirement and, if necessary, issue a corrected restriction requirement.

Date:

*January 30, 2004*

Respectfully submitted,



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